United Nations A/58/L.47

General Assembly

Distr.: Limited
16 December 2003

Original: English

Fifty-eighth session
Agenda item 40
Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance

Argentina, Austria, Belgium, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Japan, Lithuania, Luxembourg, Malawi, Malta, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Republic of Korea, Romania, Slovenia, South Africa, Spain, Sweden, Switzerland, Ukraine and United Kingdom of Great Britain and Northern Ireland: draft resolution

Safety and security of humanitarian personnel and protection of United Nations personnel

The General Assembly,

Reaffirming its resolution 46/182 of 19 December 1991 on strengthening of the coordination of humanitarian emergency assistance of the United Nations,

Recalling its resolutions 53/87 of 7 December 1998, 54/192 of 17 December 1999, 55/175 of 19 December 2000, 56/217 of 21 December 2001 and 57/155 of 16 December 2002 on safety and security of humanitarian personnel and protection of United Nations personnel, as well as resolutions 52/167 of 16 December 1997 on safety and security of humanitarian personnel and 52/126 of 12 December 1997 on protection of United Nations personnel, and Economic and Social Council resolution 2003/5 of 15 July 2003,

Welcoming the adoption by the Security Council of resolution 1502 (2003) of 26 August 2003 on the safety and security of humanitarian personnel and United Nations and its associated personnel,

Taking note of the reports of the Secretary-General on the protection of civilians in armed conflict[1] and of Security Council resolutions 1265 (1999) of 17 September 1999 and 1296 (2000) of 19 April 2000 and the recommendations made therein, as well as the statements by the President of the Council of 30 November

[1] S/2001/331 and S/2002/1300.

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1999, on the role of the Council in the prevention of armed conflicts,[2] 13 January 2000, on humanitarian assistance to refugees in Africa,[3] 9 February 2000, on protection of United Nations personnel, its associated personnel and humanitarian personnel in conflict zones,[4] 9 March 2000, on humanitarian aspects of issues before the Council,[5] and 15 March 2002, on the aide-memoire for the consideration of issues pertaining to the protection of civilians in armed conflict,[6] and noting in that context the range of views expressed during all open debates of the Council on these issues,

Reaffirming the need to promote and ensure respect for the principles and rules of international humanitarian law,

Concerned by the increasingly difficult context in which humanitarian assistance takes place in some areas, in particular the continuous erosion, in many cases, of respect for the principles and rules of international humanitarian law,

Deeply concerned by the dangers and security risks faced by humanitarian personnel and United Nations and its associated personnel at the field level, and mindful of the need to improve the current security management system in order to improve their safety and security,

Gravely concerned at the acts of violence in many parts of the world against humanitarian personnel and United Nations and its associated personnel, in particular deliberate attacks, which are in violation of international humanitarian law as well as other international law that may be applicable,

Expressing profound regret at the deaths of all international and national humanitarian personnel and United Nations and its associated personnel who were involved in the provision of humanitarian assistance, and strongly deploring the rising toll of casualties among such personnel in complex humanitarian emergencies, in particular in armed conflicts and in post-conflict situations,

Commending the courage and commitment of those who take part, often at great personal risk, in humanitarian operations, especially of locally recruited staff,

Strongly condemning acts of murder and other forms of violence, rape and sexual assault, intimidation, armed robbery, abduction, hostage-taking, kidnapping, harassment and illegal arrest and detention to which those participating in humanitarian operations are increasingly exposed, as well as attacks on humanitarian convoys and acts of destruction and looting of their property,

Emphasizing that there are existing prohibitions under international law against attacks knowingly and intentionally directed against personnel involved in a humanitarian assistance or peacekeeping mission undertaken in accordance with the Charter of the United Nations, which in situations of armed conflicts constitute war crimes,

Recalling the inclusion of attacks intentionally directed against personnel involved in a humanitarian assistance or peacekeeping mission in accordance with

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[2] S/PRST/1999/34.
[3] S/PRST/2000/1.
[4] S/PRST/2000/4.
[5] S/PRST/2000/7.
[6] S/PRST/2002/6.

the Charter as a war crime in the Rome Statute of the International Criminal Court, which entered into force on 1 July 2002,[7] and noting the role that the Court could play in appropriate cases in bringing to justice those responsible for serious violations of international humanitarian law,

Expressing concern that the occurrence of attacks and threats against humanitarian personnel and United Nations and its associated personnel is a factor that increasingly restricts the ability of the Organization to provide assistance and protection to civilians in fulfilment of its mandate under the Charter of the United Nations,

Recalling that primary responsibility under international law for the security and protection of humanitarian personnel and United Nations and its associated personnel lies with the Government hosting a United Nations operation conducted under the Charter or its agreements with relevant organizations,

Urging all other parties involved in armed conflicts, in compliance with international humanitarian law, in particular their obligations under the Geneva Conventions of 12 August 1949[8] and the obligations applicable to them under the Additional Protocols thereto, of 8 June 1977,[9] to ensure the security and protection of all humanitarian personnel and United Nations and its associated personnel,

Bearing in mind that reaching the vulnerable is essential for providing adequate protection and assistance in the context of natural disasters and complex emergencies as well as for strengthening local capacity to cope with humanitarian needs in such contexts,

Welcoming the fact that the Convention on the Safety of United Nations and Associated Personnel, which entered into force on 15 January 1999,[10] has been ratified or acceded to by sixty-nine States as at the present date, and mindful of the need to promote universality of the Convention,

Reaffirming the need to ensure adequate levels of safety and security for United Nations personnel and humanitarian personnel and a culture of accountability at all levels,

Reaffirming also that ensuring the safety and security of United Nations personnel constitutes an underlying duty of the Organization, which must be based on a necessary cost-sharing arrangement with the relevant agencies, funds and programmes within the United Nations system,

Guided by the relevant provisions on protection contained in the Convention on the Privileges and Immunities of the United Nations of 13 February 1946,[11] the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947,[12] the Convention on the Safety of United Nations and Associated Personnel, the Geneva Convention relative to the Protection of Civilian Persons in

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[7] See *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

[8] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[9] Ibid., vol. 1125, Nos. 17512 and 17513.

[10] Resolution 49/59, annex.

[11] Resolution 22 A (I).

[12] Resolution 179 (II).

Time of War of 12 August 1949[13] and the Additional Protocols to the Geneva Conventions, and Amended Protocol II of 3 May 1996[14] to the Convention on Prohibitions and Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects of 10 October 1980,[15]

1. *Welcomes* the report of the Secretary-General,[16] while noting that it does not cover developments after 30 June 2003;

2. *Urges* all States to take the necessary measures to ensure the full and effective implementation of the relevant principles and rules of international law, including international humanitarian law, as well as the relevant provisions of human rights and refugee law related to the safety and security of humanitarian personnel and United Nations personnel;

3. *Also urges* all States to take the necessary measures to ensure the safety and security of humanitarian personnel and United Nations and its associated personnel and to respect and ensure respect for the inviolability of United Nations premises, which are essential to the continuation and successful implementation of United Nations operations;

4. *Calls upon* all other parties involved in armed conflicts, in compliance with international humanitarian law, in particular their obligations under the 1949 Geneva Conventions[8] and the obligations applicable to them under the Additional Protocols thereto,[9] to ensure the safety and protection of humanitarian personnel and United Nations and its associated personnel, to refrain from abducting or detaining them in violation of their immunity under relevant conventions referred to in the present resolution and applicable international humanitarian law, and speedily to release, without harm, any abductee or detainee;

5. *Calls upon* all Governments and parties in complex humanitarian emergencies, in particular in armed conflicts and in post-conflict situations, in countries in which humanitarian personnel are operating, in conformity with the relevant provisions of international law and national laws, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the safe and unhindered access of humanitarian personnel in order to allow them to perform efficiently their task of assisting the affected civilian population, including refugees and internally displaced persons;

6. *Strongly condemns* any act or failure to act, contrary to international law, which obstructs or prevents humanitarian personnel and United Nations personnel from discharging their humanitarian functions, or which entails being subjected to threats, the use of force or physical attack, frequently resulting in injury or death, and affirms the need to hold accountable those who commit such acts and, for that purpose, the need to enact national legislation, as appropriate;

7. *Expresses deep concern* that, over the past decade, threats against the safety and security of humanitarian personnel and United Nations and its associated

[13] United Nations, *Treaty Series*, vol. 75, No. 973.

[14] CCW/CONF.I/16 (Part I), annex B.

[15] See *The United Nations Disarmament Yearbook*, vol. 5, 1980 (United Nations publication, Sales No. E.81.IX.4), appendix VII.

[16] A/58/34.

personnel have escalated at an unprecedented rate and that perpetrators of acts of violence seemingly operate with impunity,

8. *Strongly urges* all States to take stronger actions to ensure that any threat or act of violence committed against humanitarian personnel and United Nations and its associated personnel on their territory is investigated fully and to ensure that the perpetrators of such acts are brought to justice in accordance with international law and national law, and notes the need for States to end impunity for such acts;

9. *Calls upon* all States to consider becoming parties to, and to respect fully their obligations under, the relevant international instruments, in particular the Convention on the Safety of United Nations and Associated Personnel;[10]

10. *Also calls upon* all States to consider becoming parties to the Rome Statute of the International Criminal Court;

11. *Further calls upon* all States to consider becoming parties to and to respect fully their obligations under the Convention on the Privileges and Immunities of the United Nations[11] and the Convention on the Privileges and Immunities of the Specialized Agencies,[12] which have been ratified so far by one hundred and forty-eight States and one hundred and eight States, respectively;

12. *Calls upon* all States to provide adequate and prompt information in the event of the arrest or detention of humanitarian personnel or United Nations and its associated personnel, to afford them the necessary medical assistance and to allow independent medical teams to visit and examine the health of those detained, and urges them to take the necessary measures to ensure the speedy release of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who have been arrested or detained in violation of their immunity, in accordance with the relevant conventions referred to in the present resolution and applicable international humanitarian law;

13. *Reaffirms* the obligation of all humanitarian personnel and United Nations and its associated personnel to observe and respect the national laws of the country in which they are operating, in accordance with international law and the Charter of the United Nations;

14. *Requests* the Secretary-General to take the necessary measures to ensure full respect for the human rights, privileges and immunities of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, and to continue to consider ways and means to strengthen the protection of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, notably by seeking the inclusion, in negotiations of headquarters and other mission agreements concerning United Nations and its associated personnel, of the applicable conditions contained in the Convention on the Privileges and Immunities of the United Nations, the Convention on the Privileges and Immunities of the Specialized Agencies and the Convention on the Safety of United Nations and Associated Personnel;

15. *Recommends* that the Secretary-General continue to seek the inclusion of, and that host countries include, key provisions of the Convention on the Safety of United Nations and Associated Personnel, among others, those regarding the prevention of attacks against members of the operation, the establishment of such attacks as crimes punishable by law and the prosecution or extradition of offenders,

in future as well as, if necessary, in existing status-of-forces, status-of-mission and host country agreements negotiated between the United Nations and those countries, mindful of the importance of the timely conclusion of such agreements;

16. *Takes note with appreciation* of the work being done by the Ad Hoc Committee established in accordance with General Assembly resolution 56/89 of 12 December 2001, which will be reconvened in accordance with General Assembly resolution 58/82 of 9 December 2003, with a mandate to expand the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel, including, inter alia, by means of a legal instrument;

17. *Welcomes* the ongoing initiatives undertaken by the Secretary-General following the publication of the report of the Independent Panel on the Safety and Security of United Nations Personnel in Iraq headed by Martti Ahtisaari, and requests the Secretary-General to continue his efforts in this regard as a matter of the highest priority, and to inform the General Assembly accordingly;

18. *Requests* the Secretary-General to take the necessary measures to ensure that United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation are properly informed about the conditions under which they are called upon to operate, including relevant customs and traditions in the host country, and the standards that they are required to meet, including those contained in relevant domestic and international law, and that adequate training in security, human rights and international humanitarian law is provided so as to enhance their security and effectiveness in accomplishing their functions, and reaffirms the necessity for all other humanitarian organizations to provide their personnel with similar support;

19. *Also requests* the Secretary-General to take the necessary measures to ensure that United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations humanitarian assistance operation are properly informed about and operate in conformity with the minimum operating security standards and relevant codes of conduct;

20. *Further requests* the Secretary-General to take the necessary measures, falling within his responsibilities, to promote and enhance the security consciousness within the organizational culture of the Secretariat, the United Nations agencies, funds and programmes, including by disseminating and enhancing the security procedures and regulations, to create awareness and consciousness by the United Nations personnel of those procedures and regulations and the need to follow them, and to ensure that security matters are an integral part of the planning for existing and newly mandated United Nations operations and that such precautions extend to all United Nations and its associated personnel;

21. *Welcomes* the ongoing efforts of the Secretary-General to further enhance the security management system of the United Nations, and in this regard, invites the United Nations and other humanitarian organizations to strengthen the analysis of threats to their safety and security in order to minimize security risks and to facilitate informed decisions on the maintenance of an effective presence in the field, inter alia, to fulfil their humanitarian mandate;

22. *Emphasizes* the need to give further consideration to the safety and security of locally recruited humanitarian personnel, who account for the majority of casualties;

23. *Also emphasizes* the importance of paying special attention to the safety and security of United Nations and its associated personnel engaged in United Nations peacekeeping and peace-building operations;

24. *Stresses* the need to ensure that all United Nations staff members receive adequate security training, including physical and psychological training, prior to their deployment to the field, the need to attach a high priority to the improvement of stress and trauma counselling services available to United Nations staff members, including through the implementation of a comprehensive security and stress and trauma management training, support and assistance programme for United Nations staff throughout the system, before, during and after missions, and the need to make available to the Secretary-General the means for that purpose;

25. *Recognizes* the need for a strengthened and unified security management system for the United Nations, at both the headquarters and the field levels, and requests the United Nations system, as well as Member States, to take all appropriate measures to that end;

26. *Requests* the Office of the United Nations Security Coordinator to continue to play a central role in promoting increased cooperation and collaboration among agencies, funds and programmes in the planning and implementation of measures aimed at improving staff security training and awareness and in strengthening the Inter-Agency Security Management Network, and calls upon all relevant United Nations agencies, funds and programmes to support these efforts;

27. *Recognizes* the need for enhanced coordination and cooperation, both at the headquarters and the field levels, between the United Nations security management system and non-governmental organizations on matters relating to the safety and security of humanitarian personnel and United Nations and its associated personnel, with a view to addressing mutual security concerns in the field;

28. *Underlines* the need to allocate adequate and predictable resources to the safety and security of United Nations personnel, including through the Consolidated Appeals Process, and encourages all States to contribute to the Trust Fund for Security of Staff Members of the United Nations System;

29. *Recalls* the essential role of telecommunication resources in facilitating the safety of humanitarian personnel and United Nations and its associated personnel, calls upon States to consider acceding to or ratifying the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations of 18 June 1998, and encourages them to facilitate and expedite, consistent with their national laws and regulations, the use of communications equipment in such operations, and emphasizes the importance of States facilitating communications, inter alia, through limiting and, whenever possible, lifting the restrictions placed on the use of communications equipment by United Nations and its associated personnel;

30. *Requests* the Secretary-General to submit to the General Assembly at its fifty-ninth session a comprehensive and updated report on the safety and security situation of humanitarian personnel and protection of United Nations personnel and on the implementation of the present resolution, including the progress made by the Secretary-General in pursuing accountability and assessing responsibility for all individual security incidents that involve United Nations and its associated personnel at all levels throughout the United Nations system, as well as an account

of the measures taken by Governments and the United Nations to prevent and respond to such incidents